

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

TAMIKA ROBINSON,

Plaintiff,

v.

WALMART, INC.;
WAL-MART STORES EAST, LP;
XYZ CORPORATIONS 1-3;
AND NECHIRVAN SADIGH,

Defendants.

Civil Action File No.
1:21-cv-02880-ELR

ATTEST: A TRUE COPY
CERTIFIED THIS

Date: 10/8/2021

KEVIN P. WEIMER, Clerk

By: s/Ciarra Oduka
Deputy Clerk



CONSENT ORDER OF REMAND

It appearing to the Court, and the Parties hereby stipulating that:

1. Defendant Nechirvan Sadigh will be dismissed from the lawsuit, and that neither Sadigh nor any other current or former employee of Walmart will be added to the lawsuit for claims arising out of negligence.
2. The case be remanded to Superior Court of Fulton County, Georgia.
3. The case is to remain in the Superior Court of Fulton County and will not be moved to a different venue or removed to Federal Court.
4. Any renewal filing of this case pursuant to O.C.G.A. § 9-2-61 shall be filed only in the Superior Court of Fulton County.
5. The Superior Court of Fulton County is the proper venue for this lawsuit.

It is hereby **ORDERED** that Defendant Sadigh is dismissed from this case. Per the Parties' stipulation [[Doc. 19](#)], neither Sadigh nor any other current or former employee of Walmart will be added to this litigation. The Court **GRANTS** the Parties' "Consent Motion to Remand to State Court." [[Doc. 19](#)]. Thus, the Court **DENIES AS MOOT** Plaintiff's previous "Motion to Remand to State Court" [[Doc. 8](#)] and **REMANDS** this case to the Superior Court of Fulton County, Georgia.

SO ORDERED, this 8th day of October, 2021.



Honorable Eleanor L. Ross
United States District Court

Consented to:

PAYNE & DU TOIT

/s/ Anne Marie du Toit
(by express permission NED)
Catherine D. Payne
Georgia Bar No. 463911
Anne Marie du Toit
Georgia Bar No. 213320
2275 Marietta Blvd NW
Ste. 270-245
Atlanta, GA 30318-2019
cpayne@pdtfirm.com
adutoit@pdtfirm.com

McLAIN & MERRITT, P.C.

/s/ Nicholas E. Deeb
Nicholas E. Deeb
Georgia Bar No. 117025
Counsel for Defendants
3445 Peachtree Road, N.E., Suite 500
Atlanta, GA 30326-3240
(404) 365-4535
ndeeb@mmatllaw.com

6months,CLOSED,ELRLC4

**U.S. District Court
Northern District of Georgia (Atlanta)
CIVIL DOCKET FOR CASE #: 1:21-cv-02880-ELR**

Robinson v. WALMART, INC. et al
Assigned to: Judge Eleanor L. Ross
Case in other court: Fulton County Superior Court,
2021CV351249
Cause: 28:1441 Petition for Removal– Personal Injury

Date Filed: 07/16/2021
Date Terminated: 10/08/2021
Jury Demand: Both
Nature of Suit: 360 P.I.: Other
Jurisdiction: Diversity

Plaintiff

Tamika Robinson

represented by **Anne Marie du Toit**
Payne & du Toit
2275 Marietta Blvd NW
Ste. 270–245
Atlanta, GA 30318
404–381–2283
Fax: 404–777–5807
Email: adutoit@pdtfirm.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Catherine Diane Payne
Payne & du Toit
2275 Marietta Blvd NW
Ste 270–245
Atlanta, GA 30318
404–381–2282
Email: cpayne@pdtfirm.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

WALMART, INC.

represented by **Howard M. Lessinger**
McLain & Merritt, P.C.
Suite 500
3445 Peachtree Road, N.E.
Atlanta, GA 30326
404–365–4514
Fax: 404–364–3138
Email: hlessinger@mmatlalaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jennie Estes Rogers
McLain & Merritt, P.C.

Suite 500
3445 Peachtree Road, N.E.
Atlanta, GA 30326
404-266-9171
Fax: .
Email: jrogers@mmatllegal.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Nicholas Elias Deeb
McLain & Merritt, P.C.
Suite 500
3445 Peachtree Road, N.E.
Atlanta, GA 30326
404-365-4535
Fax: 404-364-3138
Email: ndeeb@mmatllegal.com
ATTORNEY TO BE NOTICED

Defendant

WAL-MART STORES EAST, LP

represented by **Howard M. Lessinger**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jennie Estes Rogers
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Nicholas Elias Deeb
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

XYZ CORPORATIONS 1-3

Defendant

NECHIRVAN SADIGH
TERMINATED: 10/08/2021

represented by **Howard M. Lessinger**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jennie Estes Rogers
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Nicholas Elias Deeb
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Page	Docket Text
07/16/2021	<u>1</u>		NOTICE OF REMOVAL with COMPLAINT filed by WALMART, INC., NECHIRVAN SADIGH, WAL-MART STORES EAST, LP. (Filing fee \$ 402 receipt number AGANDC-11115027) (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Civil Cover Sheet)(ceo) Please visit our website at http://www.gand.uscourts.gov/commonly-used-forms to obtain Pretrial Instructions and Pretrial Associated Forms which includes the Consent To Proceed Before U.S. Magistrate form. (Entered: 07/19/2021)
07/16/2021	<u>2</u>		ANSWER to <u>1</u> NOTICE OF REMOVAL with Jury Demand by NECHIRVAN SADIGH, WAL-MART STORES EAST, LP, WALMART, INC. (originally filed in State Court) Discovery ends on 12/13/2021.(ceo) Please visit our website at http://www.gand.uscourts.gov to obtain Pretrial Instructions. (Entered: 07/19/2021)
07/19/2021	<u>3</u>		NOTICE FROM THE COURT: INSTRUCTIONS FOR CIVIL CASES ASSIGNED TO THE HONORABLE ELEANOR L. ROSS. (mlb) (Entered: 07/19/2021)
07/20/2021	<u>4</u>		Corporate Disclosure Statement identifying Corporate Parent Walmart Inc., Other Affiliate Wal-Mart Stores East, LP, Other Affiliate Sam's East, Inc., Other Affiliate Sam's Real Estate Business Trust, Other Affiliate Wal-Mart Real Estate Business Trust, Other Affiliate Wal-Mart Transportation, LLC, Other Affiliate Wal-Mart.Com USA, LLC, Other Affiliate ASDA Group Limited, Other Affiliate Beaver Lake Aviation, Inc., Other Affiliate Bharti Walmart Private Limited, Other Affiliate Corporacion de Companias Agroindustriales, Other Affiliate Corporacion de Supermercados Unidos S.A., Other Affiliate Distribucion y Servicio D&S S.A., Other Affiliate La Fruga S.A., Other Affiliate Massmart Holdings Ltd., Other Affiliate Sam's West, Inc., Other Affiliate Texas Retail Energy, LLC, Other Affiliate The Seiyu, Ltd., Other Affiliate Wal-Mart Argentina S.R.L., Other Affiliate Wal-Mart Brasil, Ltda., Other Affiliate Wal-Mart Canada Corp., Other Affiliate Wal-Mart China Co., Ltd., Other Affiliate Wal-Mart Leasing, Inc., Other Affiliate Wal-Mart Louisiana, LLC, Other Affiliate Wal-Mart Puerto Rico, Inc., Other Affiliate Wal-Mart Stores Arkansas, LLC, Other Affiliate Wal-Mart Stores Texas, LLC, Other Affiliate Walmart de Mexico, S.A. de C.V., Other Affiliate Central American Retail Holding Company, N.V., Other Affiliate WMS Supermercados do Brasil, S.A. (formerly Sonae Distribuicao Brasil S.A.), Other Affiliate Walmart Claims Services, Inc. (formerly known as Claims Management, Inc.), Other Affiliate Wal-Mart Associates, Inc. for WALMART, INC. by WALMART, INC..(Lessinger, Howard) (Entered: 07/20/2021)
07/20/2021	<u>5</u>		Corporate Disclosure Statement identifying Corporate Parent Walmart Inc., Other Affiliate Wal-Mart Stores East, LLC, Other Affiliate WSE Investment, LLC, Other Affiliate WSE Management, LLC for WAL-MART STORES EAST, LP by WAL-MART STORES EAST, LP.(Lessinger, Howard) (Entered: 07/20/2021)
07/20/2021	<u>6</u>		NOTICE to Take Deposition of Tamika Robinson filed by WAL-MART STORES EAST, LP (Lessinger, Howard) (Entered: 07/20/2021)
07/20/2021	<u>7</u>		

			CERTIFICATE OF SERVICE <i>of Discovery</i> by WAL-MART STORES EAST, LP, WALMART, INC..(Lessinger, Howard) (Entered: 07/20/2021)
08/16/2021	<u>8</u>		First MOTION to Remand to State Court <i>and Opposition to Defendants' Removal</i> with Brief In Support by Tamika Robinson. (du Toit, Anne) (Entered: 08/16/2021)
08/16/2021	<u>9</u>		First Certificate of Interested Persons by Tamika Robinson. (du Toit, Anne) (Entered: 08/16/2021)
08/16/2021	<u>10</u>		First Initial Disclosures by Tamika Robinson.(du Toit, Anne) (Entered: 08/16/2021)
08/16/2021			Clerks Notation re <u>9</u> First Certificate of Interested Persons/Corporate Disclosures by Tamika Robinson. Read and approved by District Judge Eleanor L. Ross. (mlb) (Entered: 08/16/2021)
08/16/2021	<u>11</u>		Proposed JOINT PRELIMINARY REPORT AND DISCOVERY PLAN filed by NECHIRVAN SADIGH, WAL-MART STORES EAST, LP, WALMART, INC.. (Deeb, Nicholas) (Entered: 08/16/2021)
08/16/2021	<u>12</u>		Initial Disclosures by NECHIRVAN SADIGH, WAL-MART STORES EAST, LP, WALMART, INC..(Deeb, Nicholas) (Entered: 08/16/2021)
08/23/2021	<u>13</u>		SCHEDULING ORDER on the <u>11</u> Joint Preliminary Report and Discovery Plan. The Court assigns this case to a six (6) month discovery track, to conclude on February 23, 2022. Signed by Judge Eleanor L. Ross on 8/23/2021. (jpk) (Entered: 08/23/2021)
08/25/2021	<u>14</u>		CERTIFICATE OF SERVICE <i>REGARDING DISCOVERY</i> by NECHIRVAN SADIGH, WAL-MART STORES EAST, LP, WALMART, INC..(Deeb, Nicholas) (Entered: 08/25/2021)
08/25/2021	<u>15</u>		CERTIFICATE OF SERVICE by NECHIRVAN SADIGH, WAL-MART STORES EAST, LP, WALMART, INC..(Deeb, Nicholas) (Entered: 08/25/2021)
08/26/2021	<u>16</u>		NOTICE of Appearance by Nicholas Elias Deeb on behalf of NECHIRVAN SADIGH, WAL-MART STORES EAST, LP, WALMART, INC. (Deeb, Nicholas) (Entered: 08/26/2021)
09/03/2021			Submission of <u>8</u> First MOTION to Remand to State Court <i>and Opposition to Defendants' Removal</i> , to District Judge Eleanor L. Ross. (ceo) (Entered: 09/03/2021)
09/15/2021	<u>17</u>		CERTIFICATE OF SERVICE (<i>Defendants' Responses to Plaintiff's Interrogatories and Requests for Production of Documents</i>) by NECHIRVAN SADIGH, WAL-MART STORES EAST, LP, WALMART, INC..(Deeb, Nicholas) (Entered: 09/15/2021)
09/15/2021	<u>18</u>		CERTIFICATE OF SERVICE <i>Plaintiff's Responses to Defendant's First Interrogatories and Request for Production of Documents</i> by Tamika Robinson.(du Toit, Anne) (Entered: 09/15/2021)
10/07/2021	<u>19</u>		Consent MOTION to Remand to State Court with Brief In Support by NECHIRVAN SADIGH, WAL-MART STORES EAST, LP, WALMART, INC.. (Attachments: # <u>1</u> Text of Proposed Order)(Deeb, Nicholas) (Entered: 10/07/2021)

			10/07/2021)
10/08/2021	<u>20</u>		ORDER: It is hereby ORDERED that Defendant Sadigh is dismissed from this case. Per the Parties' stipulation <u>19</u> , neither Sadigh nor any other current or former employee of Walmart will be added to this litigation. The Court GRANTS the Parties' "Consent Motion to Remand to State Court." <u>19</u> . Thus, the Court DENIES AS MOOT Plaintiff's previous "Motion to Remand to State Court" § and REMANDS this case to the Superior Court of Fulton County, Georgia Signed by Judge Eleanor L. Ross on 10/8/21. (ceo) (Entered: 10/08/2021)
10/08/2021			Civil Case Terminated. (ceo) (Entered: 10/08/2021)

Details - Case # 2021CV351249 - Envelope # 8414857

Case

Location	Category
Fulton - Superior - EJ6	Civil
Type	
TORT/NEGLIGENCE	

Parties

Count: 7



Filings

Filing Code	Client Ref #
NOTICE	1:21-cv-02880-ELR
Filing Description	Submitted Date
Order of Remand From United States District Court, Northern GA	10/08/2021 1:57 PM
Status	Review Date
Submitting	

Component	Document Name
Lead Document	2880 remand fulton superior.pdf
Description	Security
Download Version	
Original	

Service

Count: 0

None

Fees

Payment Account	Filing Attorney
Clerk, U.S. District Court, Northern Georgia	Kevin P Weimer
Party Responsible for Fees	Filer Type
Walmart, Inc.	
Order ID	Transaction Response
Transaction Amount	Transaction ID
\$0.00	



Waiver Selected

